

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CARMEN ASTRID BERGERON,

Appellant,

v.

DEUTSCHE BANK NATIONAL
TRUST COMPANY AS
INDENTURE TRUSTEE FOR NEW
CENTURY HOME EQUITY LOAN
TRUST 2006-1,

Appellee.

CASE NO. C24-0929JLR

ORDER

Before the court is Appellant Carmen Astrid Bergeron's motion, filed through attorney Scott E. Stafne, for reconsideration of the court's August 10, 2024 order denying Ms. Bergeron's motion to schedule discovery and an evidentiary hearing in this bankruptcy appeal proceeding. (Recon. Mot. (Dkt. # 13); *see also* 8/10/24 Order (Dkt. # 10); Discovery Mot. (Dkt. # 6).) By way of background, Mr. Stafne filed a notice of

1 limited appearance in this action solely for purposes of challenging the court’s subject
2 matter jurisdiction. (Notice (Dkt. # 5) at 1-2; *see id.* at 2 (explaining why Mr. Stafne
3 could not represent Ms. Bergeron with respect to the merits of her appeal).) Shortly
4 thereafter, Mr. Stafne, acting on behalf of Ms. Bergeron, filed the motion to schedule
5 discovery, arguing the undersigned lacks constitutional authority to adjudicate this case
6 by virtue of taking senior status—an argument that Mr. Stafne has persistently raised in
7 numerous cases without success. (*See generally* Discovery Mot.; *see also* 8/10/24 Order
8 at 2-3 (collecting cases and noting “[e]very court that has considered Mr. Stafne’s
9 senior-judge argument has rejected it,” including the Ninth Circuit).) The court denied
10 the motion as frivolous and struck Mr. Stafne’s notice of limited appearance as
11 unreasonable pursuant to Washington Rule of Professional Conduct 1.2(c). (8/10/24
12 Order at 4 (first citing Washington Rules of Professional Conduct RPC 1.2(c) (permitting
13 limited appearances only where such “limitation is reasonable under the circumstances”);
14 then citing Local Rules W.D. Wash. LCR 83.3(a)(2) (requiring “attorneys appearing in
15 this district [to] be familiar with and comply with . . . [t]he Washington Rules of
16 Professional Conduct”).) The court will not reconsider its prior order and therefore
17 DENIES Ms. Bergeron’s motion.

18 “Motions for reconsideration are disfavored,” and the court “will ordinarily deny
19 such motions in the absence of a showing of manifest error in the prior ruling or a
20 showing of new facts or legal authority which could not have been brought to its attention
21 earlier with reasonable diligence.” Local Rules W.D. Wash. LCR 7(h)(1); *see also id.*
22 LCR 7(h)(2) (requiring the motion to “point out with specificity the matters which the

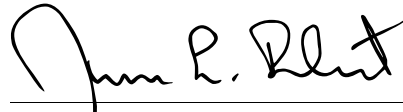
1 movant believes were overlooked or misapprehended by the court” and “any new matters
2 being brought to the court’s attention for the first time”). “Reconsideration is an
3 extraordinary remedy,” and the moving party bears a “heavy burden.” *Kona Enters., Inc.*
4 *v. Est. of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

5 Ms. Bergeron seeks reconsideration for three reasons: (1) the court overlooked the
6 need to conduct fact finding “regard[ing] what impact the language of 28 U.S.C. § 294
7 has on [senior judges’] good behavior tenure”; (2) the court “does not appear to be
8 neutral with regards to this matter”; and (3) the court “should consider the facts set forth
9 in [Mr.] Stafne’s request for ethical advice submitted to the Washington Bar
10 Association.” (Recon. Mot. at 4-9; *see also* Stafne Decl. (Dkt. # 14).) First, the question
11 whether Senior District Judges qualify as Article III judges is a question of law that has
12 been authoritatively answered, and thus does not warrant fact finding. (*See* 8/10/24
13 Order at 2-3.) Second, Mr. Stafne’s speculative assessment of the court’s neutrality lacks
14 merit and falls well short of showing “manifest error in the prior ruling or . . . new facts
15 or legal authority which could not have been brought to [the court’s] attention earlier with
16 reasonable diligence.” Local Rules W.D. Wash. LCR 7(h)(1). Third, the facts set forth
17 in Mr. Stafne’s declaration and supporting materials are not new or relevant, and do not
18 otherwise require reconsideration.

19 In sum, Ms. Bergeron fails to meet her “heavy burden” of showing she is entitled
20 to the “extraordinary remedy” of reconsideration. *Kona Enters.*, 229 F.3d at 890. The
21 court therefore DENIES Ms. Bergeron’s motion for reconsideration (Dkt. # 13). Mr.
22 Stafne’s limited appearance remains stricken, and he is warned that any further pleadings

1 or documents he files in the absence of a proper notice of appearance will likewise be
2 stricken. Ms. Bergeron is advised that the court continues to consider her a *pro se*
3 litigant.

4 Dated this 16th day of August, 2024.

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6 JAMES L. ROBART
7 United States District Judge
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